

Exhibit 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

MEIJER, INC. & MEIJER
DISTRIBUTION, INC., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. C 07-5985 CW

Hon. Claudia Wilken

ROCHESTER DRUG CO-
OPERATIVE, INC., on behalf of itself
and all others similarly situated,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. C 07-6010 CW

Hon. Claudia Wilken

**DECLARATION OF
GAYLE R. WHITE CONCERNING
BURDENSOMENESS OF DISCOVERY OF
LOUISIANA WHOLESALE DRUG
COMPANY, INC.'S SALES AND PROFITS
ON ANTIRETROVIRAL
PHARMACEUTICALS**

LOUISIANA WHOLESALE DRUG
COMPANY, INC., on behalf of itself
and all others similarly situated,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. C 07-6118 CW

Hon. Claudia Wilken

1 I, Gayle R. White, a person of the full age of majority, do declare as follows:

- 2 1. My name is Gayle R. White and I am employed as the President and Chief Executive Officer
3 of Louisiana Wholesale Drug Company, Inc. ("LWD"), a plaintiff in this litigation.
4
- 5 2. LWD purchased Norvir and Kaletra directly from defendant Abbott Laboratories ("Abbott")
6 for many years and continues to do so today.
7
- 8 3. I have reviewed the Document Requests and Interrogatories propounded by Defendant as well
9 as the responses and objections prepared on behalf of LWD in response to these discovery
10 requests.
11
- 12 4. I understand that Abbott is seeking to compel the production of documents and data reflecting
13 LWD's sales of Norvir, Kaletra, Lexiva, and Reyataz and (potentially) many other
14 antiretroviral drugs to its customers. I further understand that Abbott is seeking information
15 concerning LWD's profitability on these downstream sales transactions.
16
- 17 5. Gathering and producing the documents and data requested by Abbott in the disputed
18 discovery requests at issue would entail significant expense and burden on LWD.
19 Responding to Abbott's request would require LWD to review tens (if not hundreds) of
20 thousands of transactions reflecting our sales of the relevant products to hundreds of
21 customers over many years. This would involve gathering paper and electronic records from
22 a number of sources including computer systems. It would be extremely expensive, time-
23 consuming, and laborious.
24
- 25 6. In addition, the requested information, which includes the names of LWD's customers, is
26 extremely sensitive and highly confidential.
27
28

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true
2 and correct.

3
4 Dated: May 22, 2008



GAYLE R. WHITE